To: Manzanilla, Enrique[Manzanilla.Enrique@epa.gov]
Cc: Herrera, Angeles[Herrera.Angeles@epa.gov]; Harris-Bishop, Rusty[Harris-Bishop.Rusty@epa.gov]; Helmlinger, Andrew[Helmlinger.Andrew@epa.gov]; Seter, David[Seter.David@epa.gov]
From: Ball, Harold
Sent: Fri 2/12/2016 8:41:43 PM
Subject: RE: Where we are on the Reid response and Sandoval Op-Ed

Enrique: After our discussion, I redrafted the section on the Timeline. Edits welcome.

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Responses to Ryan Mulvenon (staff of Senator Reid) Specific Questions

February 12, 2016

[Questions from Ryan Mulvenon February 09, 2016 phone call with Brent Maier]

Governor Concurrence Requirement

[On February 10, Ryan Mulvenon of Senator Reid's staff shared the result of research by the Congressional Research Service (CRS) regarding the question of a requirement to receive the concurrence of the Governor before listing a site. Mr. Mulvenon requested our comment on that research.]

The research result shared with us is in general accord with our understanding of the law.

Guarantee of future funding.

While there can be no guarantee for future funding of government programs, in FY2015, EPA funded/started 33 of 36 eligible, new government-performed remedial construction projects. In other words only 3 of 36 construction ready projects went unfunded in 2015. . Given the gravity

of the situation at OU8, we believe that the Agency would consider the Anaconda Mine site a priority for funding.

Timeline of interaction with NV on NPL listing

2013. Potential option for NPL listing presented in a September 2013 community meeting and discussed in a community fact sheet [Groundwater Investigation Update (August 2013)] prior to the meeting The fact sheet presented a text box on the Superfund Process including text as follows:

"Important Note: The Anaconda Mine site is not on the NPL. ARC is paying for the investigation and cleanup of the majority of the site. EPA has been using emergency funds and contributions from ARC and SPS to clean up the Arimetco portion of the site because Arimetco is bankrupt. If funding for Arimetco work becomes unavailable, EPA may need to ask the State of Nevada to concur on NPL listing."

2014. Remining options to address fluid management system capacity were found to be uneconomic: SPS submitted their final evaluation of copper cementation to address the fluid management system capacity and found it to be uneconomic and would not commit to implementation. In February 2015, Freeport Nevada communicated to EPA and NDEP that their timeline for other remining activity would not include on-site construction activities until 2025 at the earliest.

Spring 2015. EPA worked closely with NDEP on NPL listing timelines and communication strategies.

April 2015. EPA community meeting in Yerington. NDEP presented an update on the status of OU8 Arimetco and indicted that the State's goal was to identify funding to close the site completely, whether it's with a phased plan or all at once. These comments generated a lively debate among community members (both pro and con) regarding NPL listing as an option to implement a long term solution to address the site.

June thru September 2015. In that context, NDEP initiated serious efforts to find alternative funding to address the Site in lieu of adding the Site to the NPL. Specific proposals were presented in its June 10, 2015 email and subsequent August 26, 2015 letter proposing to ARC and SPS a state-oversight response that they fund, without federal involvement or covenants. EPA understands that neither company agreed to the State's proposed strategy.

December 2015. In the absence of a comprehensive solution from private entities, and NPL designation as the only viable option for continued federal support, RA Jared Blumenfeld met with the Governor on December 8, 2015 to discuss the matter and followed up with a letter to the Governor on December 22, 2015 requesting his support for proposing the site to the NPL.

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From: Ball, Harold
Sent: Friday, February 12, 2016 8:24 AM
To: Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Cc: Herrera, Angeles <Herrera.Angeles@epa.gov>
Subject: Where we are on the Reid response and Sandoval Op-Ed

The Reid questions came in to Maier prior to the publication of the Sandoval Op-Ed. Consequently, my guess is that Maier may get some more questions from the Reid staffer. The Sandoval Op-Ed response was shared with Rusty et al yesterday but I have not yet received comments.

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